IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2256 of 2005

Between:

1 Payyavula Ramachandraiah S/o. Ilaiah
Fatheshapur Village, Raghunathpally Mandal, Waranga District.
2 Payyavula Srisailam S/o. Ilaiah
Fatheshapur Village, Raghunathpally Mandal, Waranga District.
3 Payyavula Siddulu S/o. Uppalaiah
Fatheshapur Village, Raghunathpally Mandal, Waranga District.
4 Payyavula Sridhar S/o. Rajaiah,
Fatheshapur Village, Raghunathpally Mandal, Waranga District.

..... PETITIONER(S)

AND

1 The Superintendent, Prohibition and Excise, Warangal, Warangal District.
2 Prohibition & Excise Inspector, Jangaon, Warangal DIstrict.
3 Excise Sub Inspector, Jangaon, Warangal District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of mandamus declaring the impugned order of the 1st respondent vide Proceedings RC.No. 2017/03/Ex/B5, dt. 13-8-2003 as illegal, arbitrary, violative of principles of natural justice and contrary to law and consequently direct the respondents herein to grant of TFT Licenses in favour of the petitioners having regard to the Tapping Test conducted by the Respondents, forthwith and pass such other or further orders as are necessary.

Counsel for the Petitioner:MR.J.KANAKAIAH

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court, at the stage of admission, made the following :

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ORDER:

Petitioners submitted applications to the 1st respondent for grant of TFT licenses. It is stated that they have been subjected to tapping test on 10.04.2002. Through his order, dated 13.08.2003, the 1st respondent informed the petitioners that in the village at which the petitioners intend to establish the shops, a Tappers Cooperative Society (for short 'TCS') is functioning, and in that view of the matter, it is not feasible to grant any TFT licences. Petitioners challenge the same.

Heard the learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise.

TFT licenses are granted only in such places where a TCS is not in operation. The question of granting TFT licenses within the area of operation of a TCS does not arise. The 1st respondent informed the petitioners of the same. In fact, he left it open to the petitioners to seek membership in the Society. Hence, no exception can be taken to the impugned order. The petitioners can pursue their remedies with the

existing TCS. The tapping test said to have been conducted on 10.04.2002 can also be cited as a qualification for them.

Hence, the writ petition is disposed of leaving it open to the petitioners to seek membership in the existing TCS, if they otherwise fulfill the qualifications. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 10.02.2005

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To

1 The Superintendent, Prohibition and Excise, Warangal, Warangal District.
2 Prohibition & Excise Inspector, Jangaon, Warangal DIstrict.

3 Excise Sub Inspector, Jangaon, Warangal District.

4 2 CCs to the Government Pleader for Prohibition and Excise, High Court Buildings, Hyderabad. (OUT)

5 2CD copies.